



Senate

General Assembly

File No. 309

February Session, 2004

Substitute Senate Bill No. 54

Senate, March 30, 2004

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT ALLOWING LIMITED STRESS-RELATED BENEFITS UNDER THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury [which] that may be definitely located as to the time
6 when and the place where the accident occurred, an injury to an
7 employee [which] that is causally connected with [his] employment
8 and is the direct result of repetitive trauma or repetitive acts incident
9 to such employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee [which] that results from [his] the

12 employee's voluntary participation in any activity the major purpose
13 of which is social or recreational, including, but not limited to, athletic
14 events, parties and picnics, whether or not the employer pays some or
15 all of the cost of such activity;

16 (ii) A mental or emotional impairment, unless such impairment
17 arises (I) from a physical injury or occupational disease, (II) from
18 witnessing the death of another employee or a client, provided such
19 death is witnessed while in the course of employment, or (III) in the
20 case of a police officer, from such police officer's use of deadly force or
21 subjection to deadly force in the line of duty, regardless of whether
22 such police officer is physically injured, provided such police officer is
23 the subject of an attempt by another person to cause such police officer
24 serious physical injury or death through the use of deadly force, and
25 such police officer reasonably believes such police officer to be the
26 subject of such an attempt. As used in this clause, "police officer"
27 means a member of the Division of State Police within the Department
28 of Public Safety or an organized local police department, a chief
29 inspector or inspector in the Division of Criminal Justice, a
30 conservation officer or special conservation officer appointed under
31 section 26-5, an appointed constable who performs criminal law
32 enforcement duties, a special police officer appointed under section 29-
33 18, 29-18a, 29-18b, 29-18c or 29-19, an adult probation officer, an
34 employee of the Department of Correction, a member of the Office of
35 State Capitol Police and a member of a special police force established
36 under section 10a-142 or a person providing security services for a
37 public institution of higher education; and "in the line of duty" means
38 any action that a police officer is obligated or authorized by law, rule,
39 regulation or written condition of employment service to perform, or
40 for which the police officer is compensated by the public entity such
41 officer serves;

42 (iii) A mental or emotional impairment [which] that results from a
43 personnel action, including, but not limited to, a transfer, promotion,
44 demotion or termination; or

45 (iv) Notwithstanding the provisions of [clause (i) of this]
46 subparagraph (B)(i) of this subdivision, "personal injury" or "injury"
47 includes injuries to employees of local or regional boards of education
48 resulting from participation in a school-sponsored activity but does not
49 include any injury incurred while going to or from such activity. As
50 used in this clause, "school-sponsored activity" means any activity
51 sponsored, recognized or authorized by a board of education and
52 includes activities conducted on or off school property and
53 "participation" means acting as a chaperone, advisor, supervisor or
54 instructor at the request of an administrator with supervisory
55 authority over the employee.

56 Sec. 2. (NEW) (*Effective October 1, 2004*) Notwithstanding any
57 provision of chapter 568 of the general statutes, workers' compensation
58 benefits for (1) any employee who suffers a mental or emotional
59 impairment arising from witnessing the death of another employee or
60 a client, or (2) any police officer, as defined in subparagraph (B)(ii) of
61 subdivision (16) of section 31-275 of the general statutes, as amended
62 by this act, who suffers a mental or emotional impairment arising from
63 such police officer's use of deadly force or subjection to deadly force in
64 the line of duty, shall be limited to treatment by a psychologist or a
65 psychiatrist who is on the approved list of practicing physicians
66 established by the chairperson of the Workers' Compensation
67 Commission pursuant to section 31-280 of the general statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Dept. of Administrative Services - Workers' Comp. Claims	GF - Cost	Potential Significant	Potential Significant
Children & Families, Dept.; Correction, Dept.; Mental Health & Addiction Serv., Dept.; Mental Retardation, Dept.; Public Safety, Dept.	GF - Cost	Potential Significant	Potential Significant
Dept. of Administrative Services - Workers' Comp. Claims	TF - Cost	Potential Significant	Potential Significant
Workers' Compensation Com.	WCF - Cost	None	None
Treasurer	SIF - None	None	None

Note: GF=General Fund; TF=Transportation Fund; WCF=Workers' Compensation Fund; SIF=Second Injury Fund

Municipal Impact:

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	STATE MANDATE - Cost	Potential Significant	Potential Significant

Explanation

The bill expands workers' compensation coverage to include compensation for counseling for mental and emotional impairments for public and private sector employees who witness the death of another employee or client while on the job.

The bill also makes police officers who incur mental or emotional injuries from their use of deadly force, or from being the target of the attempted use of deadly force, eligible for counseling under workers' compensation.

Under current law, mental and emotional injuries are compensable only if they result from a physical injury. Extending workers'

compensation coverage for counseling for mental or emotional injuries where no physical injury occurs may result in potentially significant costs to the state and municipalities depending on the number of workers' compensation claims filed.

In 2002, work related injuries killed 39 people in Connecticut. Four of those deaths were classified as occurring in the government field.¹ In 2002, there 88 murders in Connecticut, none of which were identified as employee-employer in the Department of Public Safety's victim-offender murder classification list.² Figures are not available for the number of deaths resulting from natural causes occurring on the job.

Under the bill, any state employee who witnesses the death, be it an accidental death, violent death or death from natural causes, of another employee or client, is eligible for workers' compensation coverage for mental or emotional counseling. Considering that more than one state employee may witness the death of a co-worker or client, there could be multiple claims filed as a result of single employee/client death. This could result in potentially significant costs to the state workers' compensation program.

The workers' compensation fee schedule indicates that the cost of an initial psychological interview and exam is \$185 and each follow-up visit is \$126. An individual could require numerous sessions, potentially costing several thousand dollars. It is possible, though not very likely, that state and municipal employees would receive mental or emotional counseling through their state or municipal health insurance plans.

The number of cases where a police officer incurs only mental or emotional injuries as a result of being subject to deadly force is not known. Considering the large number of police officers covered under

¹ According to information compiled by the Division of Occupational Safety and Health within the state Department of Labor.

² According to the Department of Public Safety's 2002 Crime in Connecticut Annual Report - Uniform Crime Reports.

the bill, many workers' compensations claims could be filed. There are approximately 8,000 sworn local and state law enforcement personnel in the state (this figure does not include the Department of Correction personnel, local constables, and other state law enforcement personnel).

There are a significant number of police officers assaulted every year. In 2001, 721 state and municipal law enforcement officers were assaulted, with 355 officers reporting injuries. Dangerous weapons were used in approximately 98 of the assaults.³

The cost of counseling sessions for one police officer could run into thousands of dollars. However, as with other state or municipal employees, law enforcement personnel could receive mental or emotional counseling through their state or municipal health insurance plans. Although not likely, this may mitigate the number of workers' compensation claims filed by police officers.

It is anticipated that there will be a minimal increase in the number of cases brought before the Workers' Compensation Commission. This workload increase will not require additional appropriations.

³ According to the Department of Public Safety's 2001 Crime in Connecticut Annual Report - Uniform Crime Reports.

OLR Bill Analysis

sSB 54

**AN ACT ALLOWING LIMITED STRESS-RELATED BENEFITS
UNDER THE WORKERS' COMPENSATION ACT****SUMMARY:**

This bill expands workers' compensation coverage for certain public and private sector employees to include compensation for counseling for mental and emotional impairments in limited situations where no physical injury occurs. It applies to (1) an employee who witnesses the death of a client or another employee while on the job and (2) a police officer who uses deadly force or is the target of the attempted use of deadly force while in the line of duty. An officer subjected to attempted deadly force must reasonably believe he was at risk of physical injury from its use. Under current law, mental and emotional injuries are compensable only if they arise from a physical injury.

Under the bill, a police officer acts within the line of duty when he does what he is required, authorized, or paid to do. The bill defines "police officer" as a (1) state or local police officer, (2) chief inspector or inspector in the Division of Criminal Justice, (3) conservation or special conservation officer, (4) constable who performs criminal law enforcement duties, (5) special policeman, (6) adult probation officer, (7) Department of Correction official authorized to make arrests in correctional facilities, and (8) state capitol police officer.

The bill specifies that employees eligible for workers' compensation under the bill may only receive treatment by a psychologist or a psychiatrist on an approved list established by the Workers' Compensation Commission chairman pursuant to statutes.

EFFECTIVE DATE: October 1, 2004

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4

